

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appeal No. 2009-014165
Application No.: 10/776,497
Filing Date: February 10, 2004
Applicant: Blaine R. Bateman
Group Art Unit: 2821
Examiner: Robert Karacsony
Title: WIRELESS ACCESS POINT WITH ENHANCED COVERAGE
Attorney Docket: 9062A-000091/US

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

LETTER TO USPTO

Sir:

Attached is a copy of the Second Chinese Office Action issued by the State Intellectual Property Office of China dated June 23, 2011, for patent application No. 200580004479.5 which is a national phase application of International patent application No. PCT/US2005/002822 (published as WO 2005/076840) which claims priority to the subject application. No patent documents are cited in the attached Office Action.

Respectfully submitted,

/Anthony G. Fussner/

By: _____
Anthony G. Fussner
Reg. No. 47,582

Dated: July 20, 2011

Harness, Dickey & Pierce, P.L.C.
7700 Bonhomme, Ste. 400
St. Louis, MO 63105
(314) 726-7500

THE STATE INTELLECTUAL PROPERTY OFFICE OF CHINA

Filing number of Patent Appln.	200580004479.5	Issuing Date: June 23, 2011
Patent Agent	Beijing Sanyou Intellectual Property Agency Ltd.	
Applicant	CENTURION WIRELESS TECHNOLOGIES,INC.	
Title of Invention	Wireless access point with enhanced coverage	

2nd NOTIFICATION OF OFFICE ACTION

- ☒ The examiner has received the Observations submitted by the applicant on December 22, 2010 in response to the First Office Action issued by the State Intellectual Property Office, and, on this basis, continued to conduct examination as to substance of the captioned patent application.
 - ☐ On the basis of the Reexamination Decision made by the Reexamination Board of the State Intellectual Property Office on _____, the examiner continues to conduct examination as to substance of the captioned patent application.
- ☐ The amended document submitted by the applicant on _____ is not in conformity with the provisions of paragraph 3, Rule 51 of the Implementing Regulations of the Chinese Patent law.
- Further examination has been conducted against the following application document(s):
 - ☐ amended application document(s) attached to the said observations.
 - ☒ application document(s) at which the previous Office Action is directed, and the replacement sheet(s) of the amended application document(s) attached to the said Observations.
 - ☐ application document(s) at which the previous Office Action is directed.
 - ☐ application document(s) confirmed in the said Reexamination Decision.
- ☒ In this Office Action no new reference documents have been cited.
 - ☐ following new reference document(s) is/are cited in this Office Action. (Its/Their reference number(s) shall come after those previously cited and will continue to be used throughout the examination procedure):

Reference Number	Number or Title of Reference Material	Publication Date (or Filing Date of A Conflict Patent Application)
1		
2		
3		
4		

5. The objections after the examination:

- ☐ In regard to the Description:
 - ☐ The subject matter of the present application falls in the scope of the unpatentable subject matters provided by Article 5 of the Chinese Patent Law.
 - ☐ The Description is not in conformity with the provision of paragraph 3, Article 26 of Chinese Patent Law.
 - ☐ The Description is not in conformity with the provision of Article 33 of Chinese Patent Law.
 - ☐ The presentation of the Description is not in conformity with the provision of Rule 17 of the Implementing Regulations of the Chinese Patent Law.
- ☒ In regard to the Claims:
 - ☐ Claim(s) _____ is(are) not in conformity with the provision of paragraph 2, Article 2 of Chinese Patent Law.
 - ☐ Claim(s) _____ is(are) not in conformity with the provision of paragraph 1, Article 9 of Chinese Patent Law.
 - ☐ Claims _____ possess(es) no novelty under the provision of paragraph 2, Article 22 of Chinese Patent Law.
 - ☐ Claims _____ possess(es) no inventiveness under the provision of paragraph 3, Article 22 of Chinese Patent Law.
 - ☐ Claims _____ possess(es) no practical applicability under the provision of paragraph 4, Article 22 of Chinese Patent Law.
 - ☐ Claims _____ fall(s) in the scope of the unpatentable subject matters provided by Article 25 of the Chinese Patent Law.

- ☒ Claims 2, 13 are not in conformity with the provision of paragraph 4, Article 26 of Chinese Patent Law.
- ☐ Claims _____ is(are) not in conformity with the provision of paragraph 1, Article 31 of Chinese Patent Law.
- ☒ Claims 1, 10, 13 are not in conformity with the provision of Article 33 of Chinese Patent Law.
- ☐ Claims _____ is(are) not in conformity with the provision of Rules 19 of the Implementing Regulations of the Chinese Patent Law.
- ☐ Claims _____ is(are) not in conformity with the provision of Rules 20 of the Implementing Regulations of the Chinese Patent Law.
- ☐ Claims _____ is(are) not in conformity with the provision of Rules 21 of the Implementing Regulations of the Chinese Patent Law.
- ☐ Claims _____ is(are) not in conformity with the provision of Rules 22 of the Implementing Regulations of the Chinese Patent Law.
- ☐ _____
- ☐ The application is not in conformity with the provisions of paragraph 5, Article 26 of Chinese Patent Law, or of Rule 26 of the Implementing Regulations of the Chinese Patent Law.
- ☐ The application is not in conformity with the provision of paragraph 1, Article 20 of Chinese Patent Law.
- ☐ Divisional application is not in conformity with the provision of paragraph 1, Rule 43 of the Implementing Regulations of the Chinese Patent Law.

The specific explanation of the objections is given in the attachment sheet

6. According to the above objections, the examiner holds that
- ☐ The applicant should amend the application documents based on the request in the Attachment Sheet.
 - ☒ The applicant should state the reason why the application can be accepted and amend the part that is indicated not to be in conformity with the requirement, otherwise the application will be rejected.
 - ☐ No subject matter in the application is patentable, said application will be rejected if the applicant does not make a statement or the presented statement is not convincing.
 - ☐

7. The applicant's attention is drawn to the fact that

- (1) In accordance with the provision of Article 37 of the Chinese Patent Law, the applicant shall submit the observations within two months from the date of receiving this notification. If the applicant, without any justified reason, fails to reply within the time limit, the application shall be deemed to have been withdrawn.
- (2) The amendment that the applicant makes shall be in conformity with the provisions of Article 33 of the Chinese patent Law, not going beyond the scope of the disclosure contained in the initial Description and claims, and the amendment that the applicant makes shall be in conformity with the provision of paragraph 3, Rule 51 of the Implementing Regulations of the Chinese Patent Law, making the amendment as required by the notification
- (3) Any response and/or amended specification must be furnished, by mailed or by hand, to the Receiving Department of the Chinese Patent Office. Any documents that are not furnished to the Receiving Department do not have legal effect.
- (4) the applicant and/or his attorney should not go to the PRC Patent Office to meet the examiner if no appointment is made.

8. The text of the notification embraces 1 page(s), along with the enclosures herein:
- ☐ _____ copy of the cited references are enclosed in pages of _____.

TEXT OF THE SECOND OFFICE ACTION

Appl. No.: 2005800044795

Having reviewed the observations and the amended application documents as submitted by the applicant on December 22, 2010, the examiner resumes examination to the present application, and provides anew the following examination opinions.

To claim 1 is added the technical feature of "when the at least one ground plane is coupled to the access point the at least one omni directional antenna functions as a **directional antenna** to shape a coverage area of the access point and such that when the at least one ground plane is not coupled to the access point the at least one omni direction antenna provides an **omni directional coverage area**". However, it is recorded in line 21 on page 4 to line 2 on page 5 of the [Chinese] Description (corresponding to line 30 on page 5 to line 11 on page 6 of the English Description) otherwise as "**relatively lower gain** omni directional antenna" and "**relatively higher gain** directional antenna". Accordingly, the "**directional antenna**" and the "**omni directional coverage area**" should be preceded by the modifiers of "**relatively higher gain**" and "**relatively lower gain**". In other words, the added technical feature is neither explicitly recorded in the original Description and claims, nor directly and unquestionably deducible from the contents recorded in the original Description and claims, thereby breaching the provisions of Article 33 of the Chinese Patent Law.

To claim 10 is added the technical feature of "the at least one substrate is a **bracket**", but this bracket is recorded in the Description as "**mounting bracket**". Therefore, the added technical feature is neither explicitly recorded in the original Description and claims, nor directly and unquestionably deducible from the contents recorded in the original Description and claims, thereby breaching the provisions of Article 33 of the Chinese Patent Law.

To claim 13 is added the technical feature of "**the access point** comprises means for providing an omni directional radio frequency pattern", but the Description records nothing about the access point comprising an omni directional radio frequency pattern in the wireless gateway. Moreover, to claim 13 is added the technical feature of "when the means... is coupled to the access point the at least one omni directional antenna functions as a **directional antenna** to shape a coverage area of the access point and such that when the means ... is not coupled to the access point the at least one

omni direction antenna provides an **omni directional coverage area**". However, it is recorded in line 21 on page 4 to line 2 on page 5 of the [Chinese] Description (corresponding to line 30 on page 5 to line 11 on page 6 of the English Description) otherwise as "**relatively lower gain** omni directional antenna" and "**relatively higher gain** directional antenna". Accordingly, the "**directional antenna**" and the "**omni directional coverage area**" should be preceded by the modifiers of "**relatively higher gain**" and "**relatively lower gain**". In other words, the added technical features are neither explicitly recorded in the original Description and claims, nor directly and unquestionably deducible from the contents recorded in the original Description and claims, thereby breaching the provisions of Article 33 of the Chinese Patent Law.

Claim 2 records "dipole" and "multiband dipole", but "multiband dipole" is lower in concept than "dipole", so that when these are placed in parallel, it is impossible for a person skilled in the art to determine whether the at least one omni directional antenna comprises a dipole or a multiband dipole. Therefore, claim 2 is not clear, thereby breaching the provisions of Article 26, paragraph 4 of the Chinese Patent Law.

"the at least one omni directional antenna" recorded twice in claim 13 lacks basis for reference. Moreover, it is not clear to a person skilled in the art as how the "directional antenna" in claim 13 should be explained. Therefore, claim 13 is not clear, thereby breaching the provisions of Article 26, paragraph 4 of the Chinese Patent Law.

In view of the above reasons, the present application cannot yet be granted with a patent right as per the current documents. If the applicant amends the application documents in the light of the examination opinions set forth in this Office Action to overcome the defects, the present application might well be granted. The amendment to the application documents should abide by the provisions of Article 33 of the Chinese Patent Law to be kept within the scope of the disclosure contained in the original Description and claims.

Examiner: Peng SUN
Code: 193316